

The Highland Licensing Board

Meeting – 12 August 2014

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| Agenda Item | 11.2 |
| Report No | HLB/094/14 |

Application for a major variation of Premises Licence under the Licensing (Scotland) Act 2005

Nairn Golf Club, Seabank Road, Nairn, IV12 4HB

Report by the Clerk to the Licensing Board

Summary

REF: HC/INBS/302

This Report relates to an application for a major variation of a Premises Licence.

Premises: Nairn Golf Club, Seabank Road, Nairn IV12 4HB

Applicant: Nairn Golf Club, per Fraser Cromarty

1 Description of Premises

On and Off Sales at the 18-hole championship golf course Club House. The Club House is a detached building adjacent to the golf course. The Club offers a bar, dining area and a variety of sporting and social activities for its members, including dancing, snooker and other social activities.

1.1 Existing Core Operating Hours

On Sales:

Monday to

Thursday: 11.00 hrs to 23.00 hrs

Friday: 11.00 hrs to 00.30 hrs

Saturday: 11.00 hrs to 23.30 hrs

Sunday: 11.00 hrs to 23.00 hrs

Off Sales:

Monday to

Saturday: 11.00 hrs to 22.00 hrs

Sunday: 12.30 hrs to 22.00 hrs

2 Summary of Variation Application

2.1 Variation Sought

1. Amendment to operating plan: extend on sale hours Friday and Saturday to 01.00 hrs.

2. Inclusion of golf course and half-way house into the layout plan to allow limited sales of alcohol from a catering buggy and a halfway house canteen.

3. Alteration to description to read: 'The entirety of the golf course is within the licensing footprint for on sales for the premises. Sales of alcohol will be made via a static canteen known as the 'halfway house' and also by electronic catering buggy when the permanent facility is unavailable. Such sales will only be made from 11.00 hrs until the course closes for play'.

3 Background

- 3.1 On 6 June 2014 the Licensing Board received an application for a major variation of a Premises Licence on behalf of the applicant, from the applicant's agent, Fraser Cromarty, Nairn Golf Club, Seabank Road, Nairn
- 3.2 The Board has advertised the application on the Council's website for a period of 21 days and the applicant has to display the Notice on site for the period (11 June to 21 July 2014). Confirmation of display of the site notice has been received.
- 3.3 In accordance with standard procedure, Police Scotland, Highlands and Islands Fire and Rescue Service, the Council's TEC Services (Environmental Health), and Planning and Building Standards were consulted on the application.
Notification and a copy of the application have been sent to NHS Highland, and the local Community Council.
- 3.4 Notice of the application has been sent to and all the people listed under S21 (1) of the Act.
- 3.5 No objections have been received in respect of the application.

4 Legislation

- 4.1 The Licensing Board must in considering and determining the application, consider whether any grounds of refusal apply and if none of them applies, the Board must grant the application.

Relevant grounds of refusal may be: -

- 1. that the grant of the application will be inconsistent with one or more of the licensing objectives;
- 2. that having regard to; (i) the nature of the activities carried on or proposed to be carried on in the subject premises, (ii) the location character and condition of the premises, and (iii) the persons likely to frequent the premises, if the Board considers the premises are unsuitable for use for the sale of alcohol in accordance with the proposed variation;
- 3. that having regard to the number and capacity of (i) licensed premises of the same or similar description as the subject premises (taking account of the proposed variation), in the locality in which the subject premises are situated, the Board considers that, if the application were to be granted, there would, as a result, be over provision of licensed premises or licensed premises of that description in the locality.

4.2 The Board has power where, if they would refuse the application as made, but if a modification is proposed by them and accepted by the applicant, the application can be granted as modified.

5 Licensing Standards Officer's Comments

The Premises are a well-established Golf Club operating as a private members' Club in Nairn. The Premises have a sound operating history and compliance visits have shown a good understanding of the licensing legislation.

Application is made to vary the current core operating hours to increase the on sales hours from Monday till Saturday to conclude at 01.00hrs. Such an application is in line with the Highland Licensing Board Policy Hours.

The Licence Holders also seek to increase the licensing footprint of the Premises to include the entirety of the Golf Course. This is to allow members to purchase and consume alcohol, on what is envisaged as a small scale, during the playing of a round of golf. Alcohol sales will be made from a small canteen building which is a permanent feature of the Course and also on occasion during larger competitions by way of mobile caddy vehicle positioned at convenient course locations. The Applicants are confident that they can discharge their obligations under the Licensing (Scotland) Act 2005.

The description of the Premises has been amended within the Licence with an appropriate form of words in order to accurately reflect the foregoing sales arrangement for golfers.

Additional lay out plans have been submitted for the canteen, known as the "Fisherman's Bothy".

THE LSO is confident that there will be no adverse effect on the Licensing Objectives should the Board be minded to grant this variation.

6.0 HLB Local Policies

The following policies are relevant to the application:-

- (i) Highland Licensing Board Policy Hours
- (ii) Highland Licensing Board Policy Statement
- (iii) Schedule of Local Conditions
- (iv) Highland Licensing Board combined Equality Scheme

7.0 Conditions

7.1 Mandatory Conditions

If the application is approved the Mandatory Conditions set out in Schedule 3 of the Act will apply.

7.2 Local Conditions

The existing local licensing conditions will continue to apply with the exception that former local condition “g” will now be local condition “e” and be worded as follows;

“After 21.00hrs alcoholic or non-alcoholic drinks shall not be consumed in any outdoor drinking area and this shall include the environs of the 18 hole Golf Course.”

8 Recommendation

The Board is invited to determine the above application.

Designation: Clerk to the Licensing Board

Reference: HC/INBS/302

Date: 21 July, 2014

Author: Wendy Grosvenor

Background Papers: The Licensing (Scotland) Act 2005/Application Form.

Licensing Board Policy Statement from 1 December 2013 to November 2016